REMARKS

Claims 132-155 are pending in this application. Non-elected claims 132-140 are withdrawn from consideration, but Applicant reserves the right to file divisional applications directed thereto. Among elected claims 141-155, claims 141 and 150 are independent.

The claims have been amended to improve form and to further clarify the invention according to U.S. patent practice. According to the reissue amendment rules, the above claim amendments show all present and previous changes made *with respect to the patent claims*. For the Examiner's convenience, also attached at the end of this paper is "APPENDIX A" which provides a list of *all claims* that indicate changes made *with respect to the last Amendment*. No new matter is added by this amendment.

Further, the abstract has been updated in view of the claims and the specification has been amended to update the cross-reference section of the application. No new matter is added.

35 U.S.C. § 101 Rejection

Claims 150-155 have been rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed.

Without acquiescing to the Examiner's allegations made to reject these claims, but to expedite prosecution, independent claim 150 has been amended to further recite a data area included in a data storage medium, which is accessible by an apparatus, and is clearly directed to a concrete and tangible statutory subject matter.

Accordingly, independent claim 150 and its dependent claims are in fully compliance with 35 U.S.C. § 101, and reconsideration and withdrawal of the rejection are respectfully requested.

35 U.S.C. § 103 Rejection

Claims 141-146 and 150-154 have been rejected under 35 U.S.C. § 103(a) as being

unpatentable over Roth et al. in view of Bourel. Claims 147-149 and 155 have been rejected under

35 U.S.C. § 103(a) as being unpatentable over Roth et al. in view of Bourel and further in view of

Kanota.   These rejections, insofar as they pertain to the presently pending claims, are respectfully

traversed.

To further distinguish the claimed invention from the cited references and/or to further clarify

the invention, independent claim 141 has been amended to recite, *inter alia* "a descrambler to

descramble the first data block and one or more succeeding data blocks among the plurality of data

blocks based on the control data included in the first data block" (emphasis added). Independent claim

150 has been amended in a similar manner with a varying scope. These claimed features are not taught

or suggested by the applied art.

For instance, Roth discloses that "However, it is possible to let the same control word be valid

during an extended time, for instance 60 seconds, thus, the same control word is being transmitted 60

times in row" and "Even if the same control word is used for an extended period of time it is suitable to

transmit it reasonably frequently, for instance once a second, so that possible bit errors generated during

transmission do not knock out the system for a substantial period of time" (see col. 4, lines 15-29). In

other words, the control word in Roth is transmitted whenever the frame is transmitted, and each of the

control words in Roth is used so that the bit errors generated during the transmission do not knock out

the system, even though the control words are identical with each other.

In clear contrast, in Applicant's claimed invention, the descrambler descrambles the first data

block as well as one or more succeeding data blocks based on the control data included in the first data

block. Further, the other references do not overcome these deficiencies of Roth. Thus, claims 141 and 150 are patentable over the applied art.

Furthermore, Roth is directed to an apparatus for decrypting only digital audio data, namely, an enciphered NICAM (Near Instantaneous Companded Audio Multiplex) signal as shown in FIG. 4, and is completely silent as to decrypting any scrambled digital video data. Further, Bourel does not overcome these deficiencies of Roth. Bourel as shown in FIG. 3 has two SEPARATE descrambling modules – (1) a video descrambling module 23 for descrambling an analog video signal and (2) an audio descrambling module 211 for descrambling a digital sound signal. Bourel emphasizes at col. 4, lines 26-37 and col. 5 lines 46-63 how these descrambling (& scrambling) modules are independent, separate and distinct. Moreover, Kanota also does not overcome these deficiencies in Roth and Bourel since Kanota is merely relied on for features related to copying operation information.

Therefore, even if the references were combinable (assuming *arguendo only*), the combination of the references still does not each or suggest, "a descrambler to descramble the first data block and one or more succeeding data blocks among the plurality of data blocks based on the control data included in the first data block, each of the scrambled data units including scrambled digital video data or scrambled digital audio data, wherein the same descrambler is used to descramble both the scrambled digital video data and the scrambled digital audio data" (emphasis added) as recited in independent claim 141. Claim 150 recites similar features in a varying scope.

Therefore, claims 141 and 150 and all their dependent claims (due to the dependency) are patentable over the applied art, and reconsideration and withdrawal of the rejections are respectfully traversed.
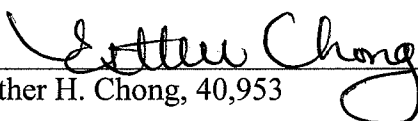
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Reg. No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Dated: March 15, 2010

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By_____
    Esther H. Chong, 40,953

P.O. Box 747

EHC/ktp   Falls Church, VA 22040-0747
0465-1990PUS1   (703) 205-8000

Enclosure: **1) APPENDIX A – LISTING OF ALL CLAIMS**